

REMARKS

Claims 7-10 and 15 are pending in the present application. Claim 7 is herein amended. Claim 15 is newly added. No new matter has been presented.

Support for the amendment to claim 7 and new claim 15 is in the Application publication (US 2006/0159878) at, *e.g.*, paragraph 105.

Claim Rejections - 35 U.S.C. § 103

Claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Satani** (US 2002/01924121) in view of **Ishige** (US 2002/0155277), **Arjunan** (WO 98/44043), **Ikeda** (US 6,214,476) and **Hoffman** (US 4,416,714).

Favorable reconsideration is requested.

(1) Applicants respectfully submit that Satani in view of Ishige, Arjunan, Ikeda and Hoffman does not teach or suggest “an overcoat layer formed of acrylic resin, urethane resin or polyamide resin is provided on a principal surface of a front film layer of the multi-layered heat-shrinkable film” as recited in amended claim 7.

The Office Action appears to cite Ishige for teaching the use of an overcoat layer. (See Office Action, page 6.) Specifically, the Office Action appears to cite surface layer C of Ishige as corresponding to the overcoat layer as recited in claim 7. Ishige discloses that surface layer C is a polyolefinic resin or propylene homopolymer. (Paragraph 48.) Thus, Ishige does not disclose an overcoat layer formed of acrylic resin, urethane resin or polyamide resin as recited in amended claim 7.

The overcoat layer of the present application is provided in order to impart heat resistance, blocking resistance and smoothness. (US 2006/0159878, paragraph 103.) This overcoat layer is formed of resins such as acrylic resin, urethane resin and polyamide resin. (US 2006/0159878, paragraph 105.) These resins are quite different from the polyolefinic resin (propylene homopolymer) used as a material of the surface layer C in Ishige. The surface layer C of Ishige is not a layer for imparting heat resistance, blocking resistance and smoothness.

(2) Applicants respectfully submit that Satani in view of Ishige, Arjunan, Ikeda and Hoffman does not teach or suggest “the overcoat layer is provided on the entire surface of the front film layer except for the portion corresponding to the center overlapped portion” as recited in claim 7 and that this feature would not have been obvious.

The Office Action appears to acknowledge that none of the references teach that the overcoat layer is over the entire base layer except for the portion corresponding to the center overlapped portion. (Office Action, page 9.) The Office Action stated that the elimination of element is non-obvious if the element is not desired. (Office Action, page 9.) The Office Action takes the position that it would have been obvious to not include the overcoat layer in the overlap area of the center seal because that area would be covered by the “other portion” and there would be no printing thereon, and thus no need for the overcoat layer. The Office Action also takes the position that this would provide a cost savings by using less material. (Office Action, page 9.)

However, having an overcoat layer that covers the base layer except for the overlapped portion is not an elimination of an element as apparently alleged by the Office Action; rather it is a modification to an existing element. The modified layer of Satani, Ishige, Arjunan, Ikeda and

Hoffman would have to be further modified such that the center overlapped portion is removed. It is not merely an elimination of an element, but a modification to the modified layer of Satani, Ishige, Arjunan, Ikeda and Hoffman.

In the present invention, it is required to remove the overcoat layer at the center overlapped portion. If the overcoat layer is provided on the entire surface, the seal portion is overlapped via the overcoat layer during formation of a heat-shrinkable film into a label. The label is sealed by adhering both films with a solvent. Therefore, if the overcoat layer is imposed therebetween, swelling and dissolution of the film are insufficient and thus the seal strength is decreased. This situation causes a problem that the seal portion is detached during labeling or transportation after labeling and thus the label form is not maintained. Especially, the above problem becomes significant in the case of forming the overcoat layer of acrylic resin, urethane resin and polyamide resin.

Furthermore, even if there is no printing on the overlap portion this does not mean that the overcoat layer is "not desired" at the overlap portion in Ishige as alleged in the Office Action. Ishige teaches that the uppermost layer can improve the printing property. But there is nothing to suggest in Ishige or any of the references that the uppermost layer would not be desired in the overlap portion. In other words, just because the uppermost layer is particularly beneficial to printing does not mean that it is undesirable on a portion that does not have printing.

Therefore, it would not have been obvious to not include the portion corresponding to the center overlapped portion.

New Claim 15

New claim 15 recites that the overcoat layer is formed of acrylic resin. By forming the overcoat layer of, especially, acrylic resin, an effect of allowing easy control of heat resistance is further exerted. Such an effect is not disclosed in any of the cited references.

Double Patenting Rejection

Claim 7 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11/596,678 in view of Ikeda (US 6,214,476).

Applicants will address the provisional double patenting rejection once all other rejections have been withdrawn.

For at least the foregoing reasons, claims 7-10 and 15 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 7-10 and 15 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/560,033
Art Unit: 1782

Amendment under 37 C.F.R. §1.116
Attorney Docket No. 053451

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Andrew G. Melick/

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adb